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State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Oil, Gas & Mining

MICHAEL R. STYLER
Executive Director

JOHN R. BAZA
Division Director

OK

March 4, 2008

John A. Gefferth, Environmental Engineer
Consolidation Coal Company
P.O. Box 566
Sesser, Illinois 62884

Subject: Conditional Approval for Abatement of Notice of Violation #10005 (Refuse Drainage to Pond 8), Consolidation Coal Company, Emery Deep Mine, C/015/0015, Task ID #2929, Outgoing File

Dear Mr. Gefferth:

The Division of Oil, Gas and Mining (the Division) has found that Consolidation Coal Company (the Permittee) has adequately addressed the deficiencies relative to Notice of Violation #10005 (NOV #10005).

Division staff have completed their technical review of the materials submitted by the Permittee in response to NOV #10005. Upon the submittal of four clean copies and one disc to the Division, NOV #10005 will be abated contingent upon the following conditions:

1. Part of the update to the MRP involved modification of the reclamation cost estimate. The Division determined that the bond amount is inadequate to ensure that the Division could adequately reclaim the site in the event of bond forfeiture. The Permittee must increase the bond by \$440,000. If the Permittee fails to post the additional bond amount the Division will take additional enforcement action.
2. The Permittee must demonstrate that a qualified registered professional engineer has certified all of the submitted cross-sections, plates and hydrologic designs relative to NOV #10005. A stamp may be provided on the initial page of the hydrologic calculations with a statement that specifies which pages/calculations the certification pertains to.
3. In addition, the Permittee will commit (in accordance with R645-301-731.311) to sampling the existing waste pile at least one year prior to final reclamation. The core sampling will be conducted on a grid over the surface of the pile with a minimum of 5 cores. A sample from each core will be taken at 5 ft intervals.

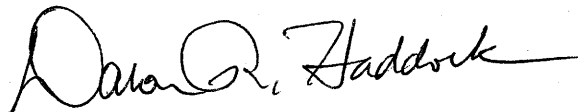
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Each 5 ft. interval will be analyzed for pH, EC, SAR, Acid Base Accounting, Se, B, and texture. The results of the analysis will be reported to the Division promptly and will be included in the annual report. The final reclamation handling plan may change, based upon these analyses."

Once the Division receives four clean copies and a disc, Division staff will verify the aforementioned conditions have been met and NOV #10005 will be officially abated. Please submit these copies and increased bond by May 2, 2008. A stamped incorporated copy of the approved plans will be returned for insertion into your copy of the Mining and Reclamation Plan.

If you have any questions, please call me at (801) 538-5325 or Steve Christensen at (801) 538-5350.

Sincerely,

A handwritten signature in black ink, appearing to read "Daron R. Haddock", with a long horizontal flourish extending to the right.

Daron R. Haddock
Permit Supervisor

skc
cc: Price Field Office
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